

Application No.: 10/500,421

Docket No. LPTF01

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#4

In re application of: HSUAN-MING SHIH

Application No.: 10/500,421

PCT No.: PCT/CN02/00546

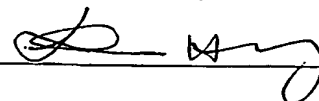
For: A PORTABLE DATA CONVERTING AND
PROCESSING DEVICE WITH STANDARD
DATA INTERFACE

Int. Filing Date: 07 August, 2002

PCT Legal Examiner: Rafael Bacares and Boris Milef

) I hereby certify that this correspondence
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) (571)273-0459, on the date of

) March 23, 2005
) (Date)

**RESPONSE TO DECISION ON PETITION UNDER 37 CFR 1.182****Mail Stop PCT**

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23 MAR 2005

**Legal Staff
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Sir:

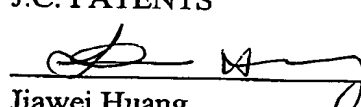
This is a request for reconsideration of the Decision mailed on March 3, 2005. The Decision indicated that applicant's "Notification of Correcting Typographical Error in Inventor's Name" filed on 25 June 2004 is being treated as a petition under 37 CFR 1.182 and the petition is dismissed without prejudice.

Please be informed that the sole inventor's Chinese name of the above-identified application has not been changed. However, there are two ways of translating the inventor's Chinese name into English name. One of them is "XUANMING SHI" (used in mainland China). The other is "HSUAN-MING SHIH" (used in Taiwan). When filing the corresponding international application, PCT/CN02/00546, "XUANMING SHI" was used. However, the inventor prefers to use "HSUAN-MING SHIH". Therefore, when entering U.S. national phase, "HSUAN-MING SHIH" has been used in the Declaration, and the "Notification of Correcting Typographical Error in Inventor's Name" was filed on 25 June 2004 to notice the patent office of the above change.

In view of the above, reconsideration of the decision is requested.

Respectfully submitted,
J.C. PATENTS

Date: 3/23/2005


Jiawei Huang
Registration No. 43,330

4 Venture, Suite 250
Irvine, CA 92618
Tel.: (949) 660-076



03 MAR 2005

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UNITED STATES PATENT AND TRADEMARK OFFICE
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www.uspto.gov

J.C. Patents
4 Venture, Suite 250
Irvine, CA 92618

In re Application of
HSUAN-MING SHIH
Application No.: 10/500,421
PCT No.: PCT/CN02/00546
Int. Filing Date: 07 August 2002
Priority Date: 29 December 2001
Attorney Docket No.: LPTF01
For: A PORTABLE DATA CONVERSION
WITH STANDARD DATA PORT

DECISION ON

PETITION UNDER

37 CFR 1.182

This decision is in response to applicant's "Notification of Correcting Typographical Error in Inventor's Name" filed on 25 June 2004 indicating that the executed declaration filed on June 25, 2004 contains the corrected Inventor's name which is HSUAN-MING SHIH. This is being treated as a petition under 37 CFR 1.182 and \$130.00 petition fee has been charged to applicant's Deposit Account No.: 50-0710.

DISCUSSION

On 07 August 2002, applicant filed international application No. PCT/CN02/00546, which claims a priority date of 29 December 2001.

On 25 June 2004, applicant filed in the United States Patent and Trademark Office (PTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic national fee, an executed declaration and the instant communication. The communication indicated that the correct name of the inventor is HSUAN-MING SHIH as stated on the Declaration attached and not as previously filed with the international application (PCT/CN02/00546) as Xuanming SHI.

DISCUSSION

It is unclear from the submission whether the corrected name is due to a name change or a typographical error since applicant has provided no explanation as to why the mistake was a typographical error. The current name is significantly different from the one listed in the international application. Therefore, the declaration of the inventor is not acceptable at this time, in that the name of the named inventor, HSUAN-MING SHIH, does not correspond to that set forth in the international application, Xuanming SHI.

MPEP § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

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Applicant must provide items (1) and (2) for consideration. Alternatively, applicants may provide a showing that the name change was effected in accordance with PCT Rule 92Bis prior to the filing of the present national stage application.

If, however, the name change is due to a typographical error then applicant needs to state and explain it.

For the reasons above, the application may not enter into national stage processing at this time.

CONCLUSION

The petition under 37 CFR 1.182 is DISMISSED, without prejudice.

A proper response to the Notice must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Failure to timely file the proper response will result in ABANDONMENT.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Rafael Bacares

PCT Legal Examiner

PCT Legal Office

Telephone: (571) 272-3276

Facsimile: (571) 273-0459



Boris Milef

PCT Legal Examiner

PCT Legal Office